

# Order

Michigan Supreme Court  
Lansing, Michigan

October 29, 2007

Clifford W. Taylor,  
Chief Justice

132725

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 132725  
COA: 273354  
Baraga CC: 02-000803-FH

ROBERT LAWRENCE ALSPAUGH, JR.,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the October 30, 2006 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Baraga Circuit Court, and we REMAND this case to the circuit court for resentencing. The defendant's sentence is a departure from the twelve-month maximum jail sentence required by MCL 769.34(4)(a). On remand, the circuit court shall either sentence the defendant to an intermediate sanction or state on the record a substantial and compelling reason to sentence the defendant to the Department of Corrections, in accordance with MCL 769.34(4)(a). *People v Harper*, 479 Mich 599 (2007). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 29, 2007

*Corbin R. Davis*

Clerk